

**Chapter 9.28****PINBALL MACHINES**

(710-3/59)

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**9.28.010 Prohibited--Violations.** Every person who manufactures, owns, stores, keeps, possesses, sells, rents, leases, lets or shares, lends or gives away, transports or exposes for sale or lease or offers to sell, rent, lease, let or share, lend or give away or who permits the operation of or permits to be placed, maintained, used or kept in any room, space or building owned, leased or occupied by him or under his management or control, any pinball or marble machine or device as hereinafter defined, and every person who makes or permits to be made with any person any agreement with reference to any machine or device, as hereinafter defined, pursuant to which the user thereof as a result of any element of chance or other outcome unpredictable to him may become entitled to receive any money, credit, allowance or thing of value or additional chance or right to use such machine or device, or to receive any check, slug, token or memorandum entitling the holder to receive any money, credit, allowance or thing of value, is guilty of a MISDEMEANOR and shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the City or County Jail not exceeding six months or by both such fine and imprisonment. Any machine, apparatus or device is a pinball or marble machine or device within the provisions of this section if it is one that is adapted, or may readily be converted into one that is adapted, for use in such a way that, as a result of the insertion of any piece of money or coin or other object, such machine or device is caused to operate or may be operated and by reason of any element of chance or of other outcome of such operation unpredictable by him, the user may receive or become entitled to receive any piece of money, credit, allowance or thing of value, or any check, slug, token or memorandum, whether of value or otherwise, which may be exchanged for money, credit, allowance or thing of value, or which may be given in trade, or the user may secure additional chances or rights to use such machine, apparatus or device, irrespective of whether it may, apart from any element of chance or unpredictable outcome of such operation, also sell, deliver or present some merchandise, indication of weight, entertainment or other thing of value. (710-3/59)

**9.28.020 Description.**

- (a) The pinball machine or marble machine, contrivance, appliance or mechanical device, the use or operation or possession of which machine is prohibited by section 9.28.010, is usually but not exclusively described as consisting of a table being in the shape of a box with the upper side covered by glass. Inside the box is a surface studded with pins, plugs, buffers, springs and holes and when a ball is released by a plunger upon this surface, the ball wends its way from the top to the bottom and during its journey may fall into one of the numerous holes, or in its course along the surface of said table may hit many of the springs, pins or plugs, thereby and by means of electrical or other recordings, giving to the player a score, or other result from the operation of such machine which indicates the probable or possible return to the player of any consideration mentioned in section 9.28.010.

- (b) The description of the pinball machine or marble machine or other contrivance, appliance or mechanical device given in this section does not in any way limit the penal provisions of section 9.28.010, and is not to be construed as making legal any pinball machine or marble machine or other contrivance, appliance or mechanical device which is prohibited by the general terms of section 9.28.010 but may not be specifically described in this section.  
(710-3/59)

**9.28.030 Machine--Seizure.** In addition to any other remedy provided by law, any such machine, contrivance, appliance or mechanical device may be seized by any of the officers designated by section 335 of the Penal Code of the state of California, and a notice of intention to destroy summarily such machine or device must thereupon be posted in a conspicuous place upon the premises in or upon which such machine or device was seized. Such machine or device shall be held by such officer for thirty days after such posting, and if no action is commenced to recover possession of such machine or device within such time, the same shall be summarily be destroyed by such officer, or if such machine or device is held by the court in any civil or criminal action to be in violation of this chapter, the same shall be summarily destroyed by such officer immediately after the decision of the court has become final. (710-3/59)

**9.28.040 Money--Seizure.** Any and all money seized in or in connection with such machine or device, immediately after such machine or device has been so destroyed, is to be paid into the treasury of the city to the credit of the general fund. (710-3/59)

**9.28.050 Supplemental to state law.** The provisions of this chapter are not intended to conflict with but shall supplement all laws of the state prohibiting lotteries, gaming or gambling and these provisions must be invoked by all law enforcement officers whose duty it is to enforce the laws of the state of California against lotteries, gaming or gambling, when by operation of this chapter the use, ownership or possession, as defined in section 9.28.010, of any such game or mechanical device or contrivance is prohibited by this chapter but might not be prohibited by the laws of the state. (710-3/59)

**9.28.060 Possession prohibited.**

- (a) It is specifically declared that the mere possession or control, either as owner, lessee, agent, employee, mortgagor or otherwise of any pinball machine or marble machine, contrivance, appliance or mechanical device as defined in section 9.28.020 might be an infraction of the laws of the state against lotteries, gaming or gambling.
- (b) It is specifically declared that every person who has in his possession or under his control, either as owner, lessee, agent, employee, mortgagor or who permits to be placed, maintained or kept in any room, space, enclosure, or building owned, leased or occupied by him, or under his management or control, whether for use or operation for storage, bailment, safekeeping or deposit only, any pinball machine or marble machine, appliance or electrical or mechanical device, as described in section 9.28.020, is guilty of a MISDEMEANOR and punishable as provided in section 9.28.010. (710-3/59)

**9.28.070 Confiscation.** It is further declared that the provisions of this chapter specifically make the mere possession of such machine or contrivance or device illegal and render such machine or contrivance subject to confiscation as provided in section 9.28.010. (710-3/59)

**9.28.080 Continued possession--Penalty.** It is further expressly provided that every person who has in his possession or under his control, either as owner, lessee, agent, employee, mortgagor or otherwise, or who permits to be placed, maintained or kept in any room, space, enclosure or building owned, leased or occupied by him, or under his management or control, whether for use or operation or for storage, bailment, safekeeping or deposit only, any pinball machine or marble machine of the type and character described in sections 9.28.010 and 9.28.020,

is guilty of a MISDEMEANOR and punishable by a fine of five hundred dollars or imprisonment in the City or County Jail for six months or by both such fine and imprisonment, even though such person claims that such device is a game of amusement only and that there is no return of any kind to the player. (710-3/59)

**9.28.090 Council declaration.** The Council expressly states as a reason for the adoption of this chapter that the individuals who operate such machines obtain illegal power, prey upon the public, particularly children, and unwary, inexperienced and credulous individuals. (710-3/59)

**9.28.100 Public nuisance.** It is further expressly provided that any pinball machine or other contrivance or device as described in sections 9.28.010 and 9.28.020 constitutes a public nuisance and the City Attorney, when directed by the City Council, shall institute abatement proceedings against the owner or lessee of any building in which such machine is located after the effective date of the ordinance codified in this chapter. (710-3/59)

**9.28.110 Exemptions.** It is further expressly provided that this chapter shall not apply to music machines, weighing machines and machines which vend cigarettes, candy, ice cream and the like upon which there is deposited an exact consideration and in which in every case the customer obtains that which he purchases. (710-3/59)